

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Heinrich Lang

Serial No.: 10/053,830

Filed: 01/22/2002

For: LOCKABLE REARVIEW MIRROR ASSEMBLY

Examiner: Shafer, Ricky D.

Group Art Unit: 2872

Docket No.: LMX-69-CON

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION

Petition under 37 CFR 1.129 traversing the restriction requirement as set forth in the Final Rejection of 03/16/2004.

Petition under 37 CFR 1.113 traversing the holding of prior election.

Petition under 37 CFR 1.181 traversing the Final Rejection of 03/16/2004 as premature.

The PTO Action of 03/16/2004 sets forth; "The [newly submitted] and [elected] inventions are related as combination and sub-combination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the sub-combination as claimed".

While no claims are identified, it is assumed that claim 1 is the sub-combination claim and claims 18-24 are the combination claims.

Claims 18-24 all depend from claim 1, and therefore, require all of the particulars of claim 1 as claimed. The holding of combination and sub-combination claims is traversed as being improper.

GREENVILLE 188761v1

07/19/2004 SSANDARA 00000013 502079 10053830
01 FC:1460 130.00 DA

It is respectfully urged that the invention as claimed in claims 1 and 18-24 has not been previously presented, and therefore, there is no prior election. It is urged that claims 1 and dependent claims 18-24 are directed to the same invention as an independent claim and dependent claims further limiting the invention as claimed in claim 1. It is believed all claims are directed to the same invention.

It is believed that claims 18-24 should not have been withdrawn from consideration, but should have been grouped with claim 1, and as such received an action on the merits. Accordingly, the Final Rejection of 03/16/2004 is believed premature.

It is respectfully urged that restrictions based on the holding of combination and sub-combination as pertains to claims 1 and 18-24 be found to be improper and withdrawn.

It is respectfully urged that the Final Rejection be found to be premature and withdrawn.

It is respectfully urged that claims 18-25 be reinstated and given an action on their merits.

Respectfully submitted,



Henry S. Jaudon
Registration No. 34,056
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Agent for the Applicant